

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lorenzo FRIGERIO et al.

Application No.: 10/535,433

Confirmation No.: 8447

Filed: February 2, 2006

Art Unit: 1643

For: ANTIBODIES

Examiner: BRISTOL, Lynn Anne

STATEMENT OF SUBSTANCE OF AN INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A telephone interview was conducted in connection with this application on 23 April 2008 involving Examiner Bristol, the undersigned, Dr. Lorenzo Frigerio (one of the co-inventors) and the Applicant's European counsel, Dr. David Elsy.

The following items were discussed during the interview:

1. The undersigned noted that the claims under examination in the present application are directed to a method of making an antibody, and not to antibodies *per se*. The undersigned asserted that many of the objections raised in the outstanding Office Action were not appropriate for the presently claimed method.
2. The undersigned asserted that there was no "disavowal" of any priority claim for the subject matter of the present application, contrary to the statement of the Examiner in the third full paragraph in page 8 of the outstanding Office Action.
3. The teachings of the present application were discussed with respect to the process steps as recited in the present claims, with the undersigned urging that these disclosures fully teach one skilled in the art how to make and use the invention and provide a complete written description of the invention as required by 35 U.S.C. § 112.

4. The prior art rejection under 35 U.S.C. 103 on pages 13-14 of the Office Action was discussed including a discussion of why the disclosure at the right hand column of page 1489 of the Frigerio et al. publication and the discussion in the left hand column of page 1490 of the publication did not teach or suggest within any reasonable expectation of success that antibodies could be made according to the present invention by modification of the C-terminus 18 amino acids.

A complete written response to the Office Action of January 25, 2008 will be submitted in due course.

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact Len Svensson, Registration No. 33,330, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution of the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: April 15, 2008

Respectfully submitted,

By 

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